

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: GERMAN AUTOMOTIVE
MANUFACTURERS ANTITRUST
LITIGATION

MDL No. 2796 CRB (JSC)

**ORDER DENYING MOTION FOR
RELIEF**

This Order Relates To:
Dkt. Nos. 481, 482.

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On October 23, 2020, this Court dismissed with prejudice complaints in two related class actions against five leading German car manufacturers and their American subsidiaries. See Order Granting MTD (dkt. 465). The Ninth Circuit affirmed. See In re German Auto. Mfr. Antitrust Litig., No. 20-17139, 2021 WL 4958987 (9th Cir. 2021). Plaintiffs moved for rehearing at the circuit and then moved this Court (1) for relief from the judgment under Rule 60(b) in light of developments in a European investigation of the car manufacturers; and (2) for an indicative ruling stating that it would grant such relief. See Mot. for Relief (dkt. 482); Mot. for Indicative Ruling (dkt. 481). Because the mandate has issued and this Court once again has jurisdiction, the Court DENIES as moot the motion for an indicative ruling.

The Court also DENIES the Rule 60(b) motion. Rule 60(b)(2)'s one-year deadline for modification of the judgment in light of "new evidence" has passed. Fed. R. Civ. P. 60(b)(2), (c)(1). And though the one-year limit does not apply to Rule 60(b)(6), "a motion brought under clause (6) must be for some reason other than the five reasons preceding it under the rule." Lyon v. Agusta S.P.A., 252 F.3d 1078, 1088–89 (9th Cir. 2001) (quotation and citation omitted). Even had the investigation revealed new evidence that

1 make the Plaintiffs' claims plausible under American law—which the Court doubts—Rule
2 60 would permit no relief.

3 **IT IS SO ORDERED.**

4 Dated: February 22, 2022



CHARLES R. BREYER
United States District Judge